

CHAPTER 5

THE QUANTIFICATION OF INFORMATION: The Paperwork Budget And the Birth of the Burden Hour

In 1980, the chief measure in the paperwork process became the respondent "burden hour," or the amount of time it is supposed to take someone to respond to a government request for information. Before then, paperwork had been measured by numbers of forms.¹

In regulations written to implement the Act in 1981, OIRA defined "burden hour" as:

"the total time, effort, or financial resources required to respond to a collection of information, including that to read or hear instructions; to develop, modify, construct, or assemble any materials or equipment; to conduct tests, inspections, polls, observations, or the like necessary to obtain the information; to organize the information into the requested format; to review its accuracy and the appropriateness of its manner of presentation; and to maintain, disclose, or report the information."²

More than just adding up "burden hours," the idea was also to put a limit on them, a sort of "burden budget." The numbers were also important to chart the direction of change—growth or decline—in federal paperwork.

The idea of putting the government on a budget for collecting information grew out of

recommendations to President Carter from the Commission on Federal Paperwork. As part of an effort to set up procedures the Commission had suggested, President Carter issued Executive Order (E.O.) 12174, "Paperwork," on November 30, 1979.

Under the order, OIRA began to prepare the first "annual paperwork budget, i.e., an estimate of the total number of hours required to comply with requests for information." Through what came to be known as the Information Collection Budget (ICB), agencies were to "itemize each form used, describe its purpose and identify those affected by it."³ For the first time, agencies literally had to budget how many hours people, businesses, and others would spend filling out forms, responding to reporting requirements, participating in federal research efforts, and so forth.

Originally, the ICB rested on the idea that information was a resource, just like time, money, or personnel. "A principal recommendation of the Commission [on Federal Paperwork] was that the Federal government manage reporting and related information functions as a resource—like other resources used in operating Federal programs."⁴

President Carter's OMB saw the ICB process as way of "shifting OMB's primary role to one of policy setting, planning and

1 Richard M. Neustadt, "Taming the Paperwork Tiger: An Experiment in Regulatory Management," *Regulation*, January/February, 1981, p. 29.

2 5 CFR 1320.7(b).

3 Executive Order 12174, "Paperwork," November 30, 1979, Section 1-104.

4 Information Collection Budget of the United States Government, Fiscal Year 1981, Office of Management and Budget, p. i.

audit, rather than one of performing individual reviews of agency reporting requirements."⁵ The shift, the President's staff thought, would ring true with the process envisioned by the Paperwork Commission: that the "primary responsibility for eliminating duplication and assuring the use of correct survey methods properly rests in the agencies" and that "the central clearance function should be a check on agency actions, not a substitute for them."⁶

In other words, OMB's paperwork oversight role would diminish over time, while agencies' autonomy would increase. That is not exactly what happened.

By the next fiscal year, the new Reagan Administration had transformed information into an economic good, with a price tag, that required careful executive monitoring and control. Under then-OMB Director David Stockman, the ICB became "based on the assumption that information is a commodity which, like other commodities, has costs of production as well as benefits of use—that the public has only a limited amount of time to supply, and the Federal Government only a limited amount of resources to assemble, process, and use this information."⁷ President Reagan's OMB also proved unwilling to cede any review power or allow agencies greater flexibility in the day-to-day management of their information collection activities.

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science, and it is probably not a science at all," one OIRA staff member conceded. Others are more descriptive. Agency information officers who were present at the creation of the burden hours now call them arbitrary—"blue skying" is how some put it. Agency officials also readily admit to submitting "overgenerous" estimates just to be on the safe side. In the words of one: "If we're over, we're stuck. . . . So we're always generous enough to cover ourselves."

Yet once their ICBs are on paper with OIRA approval, agencies have to live within them. The numbers—no matter how shaky—dictate the limits of

agencies' information collection efforts for an entire year.

How the ICB process works

OIRA describes the annual ICB merely as a "management tool" that "provides a mechanism for measuring and controlling the costs of Federal information collection requirements imposed on individuals, businesses, and state and local governments."⁸ In theory, the ICB process works much like the federal budget process, with at least one important exception—no congressional oversight.

ICB planning usually begins early each summer, when OIRA issues a memorandum telling agencies what they need to submit and when for the next fiscal year's ICB. All agencies that impose more than a certain number of "burden hours" on the public are required to participate in the ICB process.

5 Information Collection Budget of the United States Government, Fiscal Year 1981, OMB, p. 72.

6 Paperwork and Red Tape—New Perspectives, New Directions: A Report to the President and the Congress, OMB, September, 1979, pp. 21-22.

7 Information Collection Budget of the United States Government, Fiscal Year 1982, OMB, p. 11.

8 Information Collection Budget of the United States Government, Fiscal Year 1988, OMB, p. 1.

(OIRA was particularly slow getting this memorandum out for next fiscal year, FY 1990. It was dated August 22. See "Chapter Notes" at the end of this document for a short discussion of the new approach OIRA says it plans to take with the ICB in coming years.)

To start, OIRA provides each agency with a list of its information collection activities already included in the government-wide inventory. From there, each agency estimates its "adjusted inventory," which includes the information collections in use at the end of the current fiscal year, new information collections expected to be approved before the end of the current fiscal year, and information collections in use without OIRA approval.

Along with the inventory, each agency must submit three "exhibits" with many parts, including:

- A narrative that answers specific questions about how the agency manages its information resources, such as "What major specific decreases and increases in

paperwork burden are anticipated for [the upcoming fiscal year] and how do they relate to the President's programs (e.g., budget and legislative)" and "What major specific program areas (including regulations and legislation) will the agency review to reduce unnecessary recordkeeping and reporting requirements?"

- A list of the agency's inventory modified to include: (1) changes expected in burden for the upcoming fiscal year; (2) data on new information collections proposed for the upcoming fiscal year; and (3) unapproved collections in use in the current fiscal year.
- A three-year plan for reducing paperwork, including reductions for future fiscal years and collections exceeding 1 million burden hours even when no change is expected.

Zen and the Art of Burden Estimation

The Evolution of Burden

This chart shows how the burden estimate for the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard has changed over the years. The standard started with 651,640 hours in the OMB inventory in 1983.

	1/31/86	8/28/86	9/10/87	2/10/88	3/2/88	3/2/88 ⁹	9/22/88	6/22/89
Respondents	328,000	328,000	3,892,371 ³		3,892,371	3,892,371	3,892,371	
Total Burden								
OSHA's Request	816,640	806,640	34,780,000	54,180,000	34,780,000	54,180,000	54,180,000	34,780,000
In OMB Invtry.	651,640	816,640	0 ⁴	34,780,000	54,180,00	54,180,000 ¹⁰	54,180,000	54,180,000
Difference	+165,000	-10,000	+34,780,000	+19,400,000	-19,400,000	0	0	-19,400,000
Pgrn. Change		yes ²	28,740,000 ⁵					yes ¹¹
Adjustment	yes ¹		6,040,000 ⁶	yes ⁷	yes ⁸			

(1) To correct a previous oversight for disclosure of trade secret information.

(2) Addition of occupational health nurses to have access to trade secret information.

(3) Addition of non-manufacturing industries, estimated at 3.6 million firms.

(4) Approval had expired in June.

(5) Non-manufacturing sector compliance estimate for the first year.

(6) Re-estimate of burden on the non-manufacturing sector, for an addition of 5.2 million hours.

(7) Increase due to restoration of hours originally eliminated in anticipation of voluntary start-up help provided by trade associations. OIRA initiated the reassessment.

(8) Reduction due to the development of HAZOAP guidelines.

(9) There are two SF-83s for this submission, both dated March 2, 1988, with different burden totals.

(10) Despite OIRA's disapproval of three provisions of the standard, it did not account for (or instruct OSHA to account for) a corresponding decrease in burden associated with this rule.

(11) Decrease due to availability of written compliance guidelines.

The Evolution of a Burden Estimate: NumberSpeak

The burden estimate below comes from the Occupational Safety and Health Administration. It was submitted to OIRA in March, 1988 as part of the estimate is for the second year of a requirement that chemical manufacturers (and repackagers) provide material safety data sheets (MSDSs) with the first shipment of a chemical product.

$$BHPROMSDSYR2 = CLERTIME [(NUMESTAB (1 + GROWTHESTAB)) STARTESTAB (NUMCHEM) (1 + GROWTHCHEM) + (NUMESTAB (1 + GROWTHESTAB)) (NUMCHEM (1 + GROWTHCHEM) NEWCHEM) (1 - PRIORCOMP)]$$

Where:

BHPROMSDSYR2 = burden hours incurred by chemical manufacturers (and repackagers) in providing MSDSs to other manufacturing establishments and for internal use;
CLERTIME = the clerical time required to duplicate and send an MSDS;
NUMESTAB = average number of establishments subject to the standard;
GROWTHESTAB = annual rate of growth for establishments;
STARTESTAB = ratio of startups to average number of establishments;
GROWTHCHEM = annual net increase in number of chemical hazards;
NUMCHEM = average number of chemical hazards per establishment;
NEWCHEM = rate of introduction of new chemicals; and
PRIORCOMP = percent of SIC 28 establishments already providing MSDSs prior to the implementation of the standard.

Assume:

CLERTIME = 0.14 hour (from the Regulatory Impact Analysis (RIA) for manufacturing)
NUMESTAB = 352,371 (from Bureau of Labor Statistics ES-202)
GROWTHESTAB = .042 (from the RIA for manufacturing)
STARTESTAB = .025 (estimated by JACA Corporation)
NUMCHEM = 82 (estimated by JACA)
GROWTHCHEM = .03 (as assumed in RIA)
NEWCHEM = .08 (as assumed in RIA)
PRIORCOMP = .60 (as assumed in RIA)

$$\text{Thus, } BHPROMSDSYR2 = .14 [((352,371 (1 + .042) (.025) (82 (1 + .03)) + (352,371 (1 + .042)) (82 (1 + .03) .08)) (1 - .60) = \underline{182,346 \text{ hours}}]$$

The annual cost for providing these MSDSs, COSTPROMSDSYR2, in manufacturing is estimated to be the number of hours times the clerical wage of \$8.20, or approximately \$1.5 million.

$$\begin{aligned} \text{COSTPROMSDSYR2} &= BHPROMSDSYR2 \times \$8.20 \\ &= 182,346 \times \$8.20 \\ &= \$1,495,000 \end{aligned}$$

- A summary of specific areas and major information collections the agency will review for potential reductions over the next two fiscal years, along with a timetable for review and estimates of anticipated reductions once the reviews are complete.

OIRA Desk Officers are also free to request any additional information they want.

After agencies have submitted all the required information, OIRA Desk Officers schedule hearings for August or September with agency officials to discuss their ICBs. At these hearings, OIRA and agency officials haggle over the overall ICB, as well as parts of it.

For example, several years ago, OIRA officials say they questioned Department of Health and Human Services (HHS) staff closely over a lack of hours budgeted for AIDS research. In other cases, OIRA has tried to force agency information budgeters to sacrifice burden hours in one program area to get hours in another.

After the hearing, OIRA sends out budget "passbacks," which agencies have the right to appeal to OIRA. Then, in October, agencies submit a quasi-budget reconciliation, to account for their activities between the summer, when the process began, and the close of the fiscal year, or September 30. Then, "[a]gency proposals and OIRA staff recommendations will be reviewed and final decisions on agency ICB requests will be made by the Director" of OMB.⁹ Agencies then receive their final ICBs in a "transmittal" letter, usually signed by the OIRA Administrator.

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The process is not as routine or problem-free as it sounds, however. Agencies have reported receiving their allowances as late as halfway through the fiscal year. For example, allowance letters for FY '86 were dated February 4, 1986, or about one third through the fiscal year; FY '87 letters were dated February 13, 1987, or also one third into the fiscal year.

For FY '88, one clearance officer reported that by June, 1988, or three quarters through the fiscal year, he had still not received formal notice of his ICB. "We're just working with what we submitted" originally last summer, the officer told OMB Watch, adding the prediction that "when we submit our FY '89 ICB, [OMB] will criticize us for not meeting our FY '88 goals."

The ICB process is a numbers game.

The ICB process has reduced important decisions about government information collection to a numbers game—played by OIRA's rules. Every year, OIRA claims to have made great inroads in paperwork reduction, while the overall government paperwork inventory continues to grow. (See the box on the next page.)

While OIRA's own paperwork baseline grew from 1.5 billion hours in FY '81 to 1.76 billion hours in FY '88, OIRA still claimed victory over paperwork every year. For example, while the budget baseline grew from 1.7 billion hours in FY '86 to 1.9 billion hours in FY '87, OIRA actually claimed to have reduced paperwork burdens on the American public by 65.2 million hours.¹⁰

9 "Memo to the Heads of Executive Departments and Agencies," OMB Bulletin 88-12, May 26, 1988, p. 5.
10 Information Collection Budget of the United States Government, Fiscal Year 1987, OMB, p. 7.

These kinds of disparities arise for a variety of reasons. For one, as the General Accounting Office found, "the apparent changes in reported burden between 1980 and 1987 are largely attributable to changes in the way OMB accounts for federal paperwork burden. These accounting procedures do not always reflect real changes in the amount of burden imposed on the public."¹¹

For another, the ICB process recognizes two types of paperwork reduction—one that counts toward overall paperwork reduction goals, another that does not. To receive credit for having reduced paperwork, agencies actively have to make a "program change," that is, eliminate a recordkeeping requirement, streamline a form, decrease the frequency of a report, and so forth. When a program expires, when the agency re-estimates an existing program's burden, or when burden estimates change because the number of respondents changes, the savings are only "adjustments" and do not count toward an agency's overall paperwork reduction targets.

This allows agency information collection officer and OIRA Desk Officers to play with the numbers. One agency clearance officer offered the following hypothetical example:

One fiscal year, the agency includes 10,000 hours in its ICB to conduct a survey. The next fiscal year, the agency re-estimates that the survey will actually take 30,000 hours. OMB will consider

the 20,000 hours as an adjustment. Then the agency decides not to conduct the survey. OMB gives the agency credit for a program change reduction of 30,000 hours.

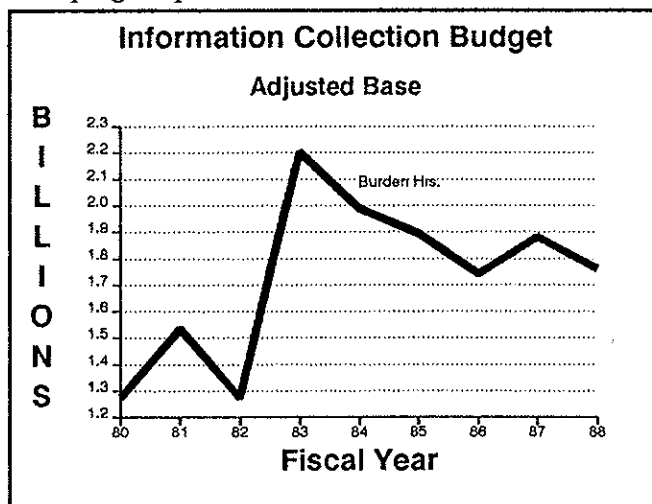
In other words, the agency gets credit for reducing its paperwork budget by 30,000 hours, even though it never conducted the survey that would have imposed the burden and may never have intended on doing so at all. "With opportunities like that, we can play games all along with our adjustments," the agency clearance officer explained.

But the numbers game can also cause serious problems. For example, what happens when an agency begins to approach the point where it has reduced its current and necessary information activities as far as possible. One agency clearance officer explained:

"We have been reducing all along, but it is becoming difficult to reduce

further because we're down to the bare bones."

Coming up with program change reductions, or reductions that really count, can become more of an exercise in refraining from proposing new information collections than anything else. For example, HHS saw its budget for new collections dwindle from 2.7 million hours in FY '85 to fewer than 1 million hours, 789,000 hours to be exact, in FY '88. Does that mean that HHS actually needs less and less new information? The answer,



11 Paperwork Reduction: Little Real Burden Change in Recent Years, U.S. General Accounting Office, GAO/PEMD-89-19FS, June, 1989, p. 10.

particularly for the agency's Centers for Disease Control, is probably no.

Government paperwork simultaneously grows and shrinks for other reasons, as well. For example, several times in the past eight years, OIRA has added burden hours for existing paperwork that had somehow escaped its view before. For example, early in the process, newly discovered paperwork included "bootleg" forms that agencies should have submitted to OIRA for review but did not, as well as paperwork that had been exempt from review before the Act passed.

In FY '83, OIRA nearly doubled the inventory — from 1.2 billion hours to more than 2 billion hours — by counting government procurement paperwork, labeling and testing requirements, and paperwork requirements contained in existing regulations toward the ICB totals for the first time. (OIRA never offered an exact accounting of how many burden hours procurement paperwork actually added to the ICB.)

Despite the huge increase, OIRA still claimed to have reduced federal paperwork by almost 13 percent that year.

In FY '88, OIRA shifted 163 million hours into a new category of paperwork, "governmentwide forms and regulations." To do so, OIRA took cross-cutting standard government forms, required by more than one agency, and put them in a separate budget account — sort of off budget. Previously, "agencies complained that they could not reduce them," one OIRA staff member explained. "So we don't charge agencies with the burdens imposed" by standard forms. (See box.)

"Off-Budget" Paperwork
Governmentwide Forms and Regulations
as of 7/1/89

Paperwork Title	Burden Hours
MBE/WBE Utilization under Federal Grants, Cooperative Agreements, and other Federal Financial Assistance	150,479
Notice of Short-Term Employment	62,500
National Community Volunteer Fire Against Fire Prevention Program Partnerships	9,500
Budget Information—Nonconstruction Programs	1,080,000
Application for Federal Assistance (Facesheet)	300,000
Assurances—Construction Programs	10,000
Budget Information—Construction Programs	20,000
Assurances—Nonconstruction Programs	90,000
Financial Status Report (Long Form)	100,000
Financial Status Report (Short Form)	300,000
Medicare Common Claims Form	58,623,706
Financial Eligibility Statement for Student and Summer Aid Programs	2,500
Crisis Counseling Assistance and Training	35
Governmentwide Requirements for Drug-Free Workplace (Grants)	20
TOTAL	60,850,529

Source: Office of Information and Regulatory Affairs, OMB

Burden hour estimates also change during OIRA review — either during the ICB process or during an individual form's review. For example, in July, 1986, after reviewing the paperwork submitted by OSHA for a proposed benzene standard, OIRA added exactly 80,458 burden hours to it so the estimate would include "the time spent by physicians from which the medical records are compiled."¹² OIRA never revealed how it arrived at

this number, however.

Once this year, OIRA upped an agency's burden estimate and then even upped its own re-estimate. By the time OIRA finally disapproved the paperwork, contained in a proposed Internal Revenue Service rule governing employee benefit plans, its burden had grown nearly 2,000 percent—from 2.5 million hours to 39 million hours.¹³

Why would OIRA want to *increase* an agency's estimate? One reason is to prevent an agency from using that budgeted time for another project. By adding burden hours to a proposal, OIRA can force an agency to compensate for those hours by cutting information collection in other areas—possibly halting a politically sensitive survey or politically undesirable reporting requirement because an agency has exhausted the total hours allotted it in its ICB.

Obviously, using "burden" as the only measure of whether to collect information is a poor way to make important decisions. The burden estimates are unreliable, and OIRA arbitrarily increases and

20 Most Burdensome Paperwork Requirements In the Federal Government

1988

Title	Agency	Burden in Million Hrs	Percent of Total
Individual Income Tax Tax Return and Related Schedules (1040)	Treasury	297.0	16.0
Acquisition Management Systems and Data Requirements	Defense	158.6	9.0
Information Collection in Support of DoD Acquisition	Defense	88.4	5.0
Hazard Communication Standard	Labor	54.2	3.1
Travel, Entertainment and Gift Expenses	Treasury	50.4	2.9
Additional Records Under Federal Insurance Contribution Act	Treasury	30.3	1.7
U.S. Corporate Income Tax Return	Treasury	29.5	1.7
Nutrition School Lunch Program Reporting	USDA	22.5	1.3
U.S. Individual Income Tax Return (1040A)	Treasury	21.7	1.2
Guaranteed Student Loan Program	Education	21.1	1.2
Regulation Z: Truth in Lending	FTC	19.0	1.1
Statement of Interest Income	Treasury	18.9	1.1
Office of Federal Contract Compliance Program Recordkeeping & Reporting Requirements	Labor	18.2	1.0
U.S. Partnership Income Tax Return	Treasury	17.9	1.0
Passive Activity Loss Limitations	Treasury	17.8	1.0
Employer's Quarterly Tax Return	Treasury	17.6	1.0
Model Food Stamp Forms	USDA	17.2	1.0
Employment Eligibility Verification (I-9)	Justice	16.5	0.9
Form 10-K: Annual Report Under the 1934 Securities Act	SEC	16.1	0.9
Textile Act Requirements	FTC	15.5	0.9
TOTAL		927.3	53.0%

Source: Information Collection Budget of the U.S. Government, FY 1989

decreases them without offering any accounting of how or why it has done so.

The calculation of burden hours, no matter how careful, does not account for any benefits of collecting information.

OIRA's focus on burden means that half of the information equation is missing — since at the heart of any budget must be some idea of the kind of relation between costs and benefits.¹⁴

Plus, the narrow focus on the burden a particular form supposedly imposes also completely disassociates the information sought from the program it would serve. It also avoids important questions about the burden a lack of information might impose — on policy and decision makers, for example, or on workers whose health could suffer because they cannot have access to information about the toxic substances in their workplace. In other words, the focus on burden gives greater weight in the decision-making process to people or entities that have to provide information than to people or entities who might benefit from the information.

Burden estimates also do not differentiate between voluntary and mandatory responses. Some observers have called this the "coercion quotient." Respondents spend some burden hours voluntarily (for example, filling out applications for grants or other benefits), while others spend hours because

they are required to (tax forms, for example). By ignoring these distinctions, "the burden hour measure becomes at best a very ambiguous force . . ."¹⁵

The ICB process has also become a political game.

Over the last eight years, the ICB process has taken on political overtones. Despite protestations to the contrary, OIRA used the ICB during the Reagan Administration to target information collection activities at odds with the Administration's philosophy.

For example, the Reagan Administration came into office with a program of easing what it considered a choke hold of regulations on American business. Through the ICB, OIRA went to work scaling back the amount of information business have to keep

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for and/or report to OSHA and EPA. In particular, OIRA has gone to great lengths reviewing OSHA ICBs. In FY '87, for example, OIRA submitted dozens of pages of questions for the agency (such as "When OMB approval for an OSHA collection of information requirement expires, how quickly does the agency inform the regulated community and OSHA compliance officers that this requirement will no longer be enforced?") in preparation for its ICB hearing.¹⁶

Agency clearance officers say that OIRA also routinely singles out politically sensitive items at ICB hearings. "They single things out at the ICB stage: You can do this, not that;

14 David S. Schwarz and Susan E. MacMullin, "Of Beans and Burden — or How We Learned to Stop Worrying and Love the ICB," a paper prepared for delivery to the 1986 Annual Meeting of the American Political Science Association, p. 11.

15 Ibid., p. 14.

16 Letter from OIRA Desk Officer Nancy Wentzler to John Dineen of the Department of Labor's Directorate of Information Resources Management, August 29, 1986, p. 3.

sometimes they give a reason, sometimes not," said one.

Yet OIRA staff insist that the ICB is not an approval document and that they do not approve or disapprove any information collection at the ICB stage. For example, OIRA officials claim that they did not make any disallowances in FYs '86 and '87. This is less than true.

Documents obtained by OMB Watch under the Freedom of Information of Act show that OIRA did, in fact, disallow several items included in the ICB submitted by OSHA. For FY '87, OIRA refused to give OSHA 4,470 burden hours requested for conducting surveys. That meant that if OSHA wanted to conduct a survey during the year, it had to reduce other programs to come up with the hours the survey would take.

The reason OIRA disapproved the hours is problematic. It refused because OSHA had not conducted any surveys in the previous fiscal year. Even after OSHA appealed for a reduced survey of 2,500 hours, OIRA again disapproved. When OSHA eventually backed down, one official wrote: "For the OSHA surveys, we agree with your point that we did not use our allowance for such surveys last year and, as a result, there's no good basis for estimating an allowance for this year. Since we've no specific survey plans for this year, we're dropping our appeal . . ."¹⁷

OIRA also singles out politically sensitive items in allowance letters to agencies. For example, in the FY '86 allowance letter to then-Secretary of Agriculture John Block, then-OIRA Administrator Wendy Gramm

mentioned the department's "proposed review of the paperwork burden associated with the National School Lunch Program . . . [as] a high priority."

In the FY '86 letter to then-Secretary of Labor William Brock, Gramm noted that "[t]he . . . proposed rule 'Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks, published in the *Federal Register* on January 3, 1986, is certainly a high priority. This rulemaking, which would reduce the recordkeeping burden of OSHA safety regulations by 8.6 million hours, must be completed by September 1986 if the Department is to meet its target reduction of almost 15 million hours this year." This was

to replace reporting and recordkeeping requirements with self-certification procedures.

Some of this OIRA effort is nothing more than a stab in the dark. For example, with little

evidence other than a raw number, Gramm singled out paperwork contained OSHA's noise standard as a good place for burden reductions. The standard, which protects workers from hearing loss from too much on-the-job exposure to noise, contains reporting and recordkeeping requirements that weigh in at about 6.8 million burden hours annually.

So OIRA forced OSHA to solicit public comments about how to reduce the standard's burden. The response was adamant: Most of the 31 commenters told OSHA in no uncertain terms that the standard's paperwork burden was the minimum necessary to afford adequate worker protection.¹⁸

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17 Letter from Thomas C. Komarek, Assistant Secretary of Labor for Administration and Management, to James B. MacRae, Jr., Deputy Administrator of OIRA, December 17, 1986, p. 2.

18 *Monthly Review*, Vol. IV, No. 7, July, 1988, p. 9.

The ICB lacks public accountability.

When President Carter left office, he thought he had set up an ICB process that afforded public participation and accountability. Section 1-106(b) of his E.O. 12174 required agencies to prepare and publish in the *Federal Register* "an annual paperwork calendar of significant requests for information," based on information submitted by agencies in their paperwork budgets.

But the tide went in the opposite direction. President Reagan's OIRA showed little commitment to carrying through on initiatives to enhance public access to ICB information. Yet OIRA still pays lip service to the public accountability of the process. In releasing the FY '88 ICB, OIRA said it represented "the end-product of a process for ensuring accountability to and stimulating participation by the American public in one aspect of Federal governance—the need to collect information."¹⁹

The process simply cannot be publicly accountable until the substance of the review is documented. Currently, OIRA documents only the bare minimum of ICB information—little more than the nearly standardized transmittal letters it sends informing agencies of their yearly budget targets. In fact, Desk Officers routinely inform agencies of their budget targets over the telephone, with no written documentation. OIRA also blocks public access to agency ICB materials until the fiscal year to which they apply has ended. Plus, the annual ICB report simply lists budget totals—it explains little.

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For all of these reasons, the ICB should be eliminated. All the bogus numbers and political manipulation add up to is a bogus ICB. The ICB's originators knew paperwork burdens, measured in respondent burden hours, to be imperfect. They did not intend, much less expect, the numbers to become iron-clad limits that they have become.

Instead, they thought the ICB's success would lie in measuring the rate and direction of change. "Measurement of paperwork is often difficult and imprecise in the absolute, but reliable and consistent measures of change are possible," President Carter's OMB opined. "It is these measures of the rate and direction of change that are essential to

operation of a practical information collection budget. . . ."²⁰

It is difficult, if not impossible to judge the rate and direction of change the way the

ICB is currently executed.

Agencies and OIRA are even finding it harder to take the process seriously. "The enthusiasm has deteriorated in some agencies," one OIRA staff member admitted. "But we're still committed to the concept of a once a year senior-level oversight of information collections. It's good management planning."

If the ICB is not eliminated, tight guidelines should be enforced to make sure it is more publicly accessible. OIRA should be instructed to document more of its decisions during the process, as well as the rationale behind those decisions. In addition, OIRA and agencies should be required to publish something like what President Carter's OMB envisioned: "an annual paperwork calendar of significant requests for information."

¹⁹ Information Collection Budget of the United States Government, Fiscal Year 1988, OMB, p. i.

²⁰ Information Collection Budget of the United States Government, Fiscal Year 1981, OMB, pp. 72-73.